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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,171

03/12/2004

Raymond E. Floyd

02-007

9083

24919

7590

10/25/2006

MCAFEE & TAFT

TENTH FLOOR, TWO LEADERSHIP SQUARE

211 NORTH ROBINSON

OKLAHOMA CITY, OK 73102

EXAMINER

TAMAI, KARL I

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

58

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,171	<b>Applicant(s)</b> FLOYD, RAYMOND E.	
	<b>Examiner</b> Tamai I.E. Karl	<b>Art Unit</b> 2834	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-13 and 17-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16 and 26 is/are allowed.
- 6) ☒ Claim(s) 7-13, 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some \* c) ☐ None of:
      - 1. ☐ Certified copies of the priority documents have been received.
      - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. This application contains claims 17-21 drawn to an invention nonelected with traverse in dated 12/20/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 8, 11-13, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden, in further view of Read, Jr. (US 6213202) and Jung (US 5714811). Bearden et al. (Bearden) (US 6167965) teaches a submergible motor 17 having fiber optic cables 116 and power cables 129, 130, 131 extending from the surface to the motor casing to transmit information from the surface to the motor, such as pressure and temperature sensors within the motor 17. The submergible motor having a vibration sensor 171 below the motor 17. The motor including a stator and rotor mounted on a shaft (figure 1f). The optical cable having a single insulating coating (armor) 141. Bearden teaches every aspect of the invention, except the electrical and optical plug connector being inserted into a receptacle in the casing. Jung teaches a

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motor with internal and external fiber optic cables which are splice by connector 7 in the casing. Jung teaches the motor housing with a connector having a receptacle for a fiber optical connector and terminals for electrical connections but does not teach the plug having electrical and optical connections. Read teaches a plug connector for electrically and optically connection to a downhole pump system. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Bearden with receptacle in the case of Jung to allow electrical and optical connections through a sealed housing as taught by Jung, and with the connector plug of Read to allow secure electrical and optical connections in a downhole pump.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden, Read, and Jung, in further view of Gardner et al. (Gardner)(US 6446723). Bearden, Read, and Jung teach every aspect of the invention except the optical fibers being single mode fibers. Gardner teaches both single and multiple mode fiber optics for downhole sensing in wells. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Bearden, Read, and Jung with single mode optical fibers because it is within the ordinary skill in the art to choose between known equivalents and because Gardner teaches both single and multiple mode fibers are used in downhole sensing.

5. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden, Read, and Jung, in further view of Kashiya (JP 09-270209). Bearden,

Read, and Jung teach every aspect of the invention except first armor for the electrical conductors and a second armor for the optical fibers. Kashiyama teaches a submergible pump having first armor 10 for the conductors and a second armor 12 of the fiber optics. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Bearden, Read, and Jung with cable of Kashiyama to prevent damage to the electrical and optical cables.

***Allowable Subject Matter***

6. Claims 15,16, and 26 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl I Tamai  
PRIMARY PATENT EXAMINER  
October 20, 2006



KARL TAMAI  
PRIMARY EXAMINER